

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. A hearing was held by telephone on the morning of October 15, 2009. At that time, the Department represented that it had no record of any denial, termination, or reduction of any benefits regarding the petitioner or anyone else in his household. At the hearing, the petitioner produced a letter that he allegedly sent to the Board by fax

on June 27, 2009, which was addressed to "the department", detailing a list of grievances. Inasmuch as neither the Department's nor the Board's records reflected receipt of any such fax, the hearing officer directed the Department to respond in writing to the letter by November 20, 2009.

3. When questioned by the hearing officer as to the "relief" he was requesting from the Board at this time, the petitioner responded that he was facing "foreclosure" the next day due to his inability to pay his mortgage, and that he was unable to pay copayments necessary to obtain his prescription medications. The hearing officer advised the petitioner to immediately file a request for GA if he felt that he was facing an emergency situation in either regard.

4. Later in the afternoon on October 15, 2009, the District Office, pursuant to its regulations and procedures, called the Board to report that the petitioner had requested an "expedited" hearing regarding the Department's denial of an application he had filed for GA earlier that day (apparently shortly after his hearing). The information the petitioner had provided in his GA application, according to the Department, was consistent with the representations he had made at the hearing earlier that day. Those representations included the facts that the petitioner had

monthly income from SSI benefits, that he had fallen behind on his mortgage payments, that he had been informed that his bank was about to institute foreclosure proceedings, and that he did not have sufficient cash on hand to pay the copayments necessary to obtain prescription medications.

5. The Department represented that it had "approved" the petitioner's medical need to obtain his prescriptions, but that it had denied the petitioner's application for GA to pay his overdue mortgage payments, food, personal needs and transportation. The bases of the Department's denials were that the petitioner was over the income maximum for GA and had not demonstrated that he was facing a "catastrophic situation" as defined in the GA regulations, and that the Department's "rent/mortgage arrears" program had exhausted its funding for the calendar year. On the basis of the Department's representations, the hearing officer denied the petitioner's request for an expedited hearing.

6. The Department filed its response to the petitioner's June 27th letter on November 19, 2009. It noted eleven numbered items the petitioner had addressed in his letter. The petitioner had complained that various Department policies and procedures are "arbitrary, illegal, and void as a matter of public policy". The Department noted

that the petitioner had failed to note any specific statutes or regulation that he felt the Department is violating. Except for GA for mortgage arrearages (addressed more fully below), the Department reiterated that it had no record of any adverse action it had taken regarding any of the petitioner's benefits dating back to June 2009.

ORDER

The Department's decision is affirmed.

REASONS

The General Assistance regulations provide that households with income in excess of the Reach Up Financial Assistance (RUFA) maximum can only receive additional financial assistance if they are experiencing a "catastrophic situation". See W.A.M. § 2600 *et seq.* There is no dispute in this matter the petitioner's income from SSI, though certainly limited, is in excess of the RUFA payment level for a household of his size. W.A.M. §§ 2244-2249.

The GA regulations define catastrophic situations as an *emergency* medical need, a *court-ordered* or *constructive* eviction, the death of a spouse or minor child, or a natural disaster. W.A.M. § 2602. As noted above, the petitioner has made no allegation that he is facing an actual eviction from

his home, court-ordered or otherwise. The petitioner alleged only that he had been told that foreclosure proceedings were imminent, but he has made no claim or showing that they have yet been filed. Even if they have been, such proceedings take many months, during which time a homeowner can attempt to settle the matter to remain in the home, before a court can *order* that the homeowner be evicted.

Regarding the petitioner's other alleged needs on October 15, 2009, there is no indication that he had an emergency, or even urgent, medical need for transportation, food, or personal items on the day he applied for GA. Thus, it cannot be concluded that the petitioner was facing a "catastrophic situation" as defined in the regulations.

The Department concedes that prior to October 1, 2009 it had limited funds available in a special program to help individuals pay back rent or mortgage to avoid homelessness, but that the program was terminated due to lack of funding as of September 30, 2009. The Department maintains that the petitioner never applied for mortgage assistance before the date of his hearing, October 15, 2009. The Department further maintains that it has provided the petitioner with a list of alternative sources of potential aid with his mortgage payments.

The Board has recognized that what constitutes a defined "emergency" under the GA regulations can differ from the perceived needs of the individual requesting assistance. See e.g. Fair Hearing No. M-07-08-318. However, inasmuch as the petitioner in this matter has not demonstrated that his alleged needs and grievances are within the definition or contemplation of the GA or any other Department program, the Board is bound to affirm the Department's decision.¹ 3

V.S.A. § 3091(d), Fair Hearing Rule No. 1000.4D.

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¹The petitioner is, of course, free to request a fair hearing when and if he receives an adverse decision from the Department regarding any receipt of or application for any benefits.